No. 92-1769

Supreme Court, U.S.
FILED
APR 27 1993
OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1992

MICHAEL SALMINEN,

PETITIONER,

vs.

CONRAD M. FREDIN,

RESPONDENT.

PETITION FOR WRIT OF CERTIORARI TO THE COURT OF APPEALS OF THE STATE OF MINNESOTA

PETITION FOR A WRIT OF CERTIORARI

MICHAEL SALMINEN
Petitioner Pro Se
P.O. Box 353
Hibbing, MN. 55746
(218) 263-6477

BEST AVAILABLE COPY

QUESTIONS PRESENTED FOR REVIEW

Does obstruction by Minnesota Judicial, Legislative and Executive officials, preventing attorney pro se Salminen's Petitions For Impeachment And Removal from being considered in Minnesota House of Representatives, deprive him of United States Constitutional rights under 1st, 5th or 14th Amendments at 42 USCS § 1983?

When trial court denies attorney pro se Salminen protection under attorney work product doctrine, has he been deprived his United States Constitutional rights under 1st, 5th or 14th Amendments at 42 USCS § 1983?

Is it class discrimination and deprivation of United States Constitutional rights at 42 USCS § 1983, when attorney pro se Salminen is denied oral argument in Minnesota Court of Appeals?

Did Minnesota Court of Appeals err

when it upheld lower court's summary judgment decision dismissing attorney pro se Salminen's counterclaim?

Is Minnesota Court of Appeals rule barring pro se litigant oral argument, on appeal, unconstitutional?

TABLE OF CONTENTS

	Page
Petition For Writ of Certiorari	1-10
Opinions	1
Jurisdiction	1
Constitutional Provision Inv.	1,2
Statement of the Case	2-5
When Federal Issue Raised	5
Method of Raising Fed. Ques.	5
Reasons For Granting Writ	5-10
Verification	11
Appendix:	
A - 11/24/92 Minn. Crt of App Unpublished Opinion 8 pgs	1,10
B - 1/22/93 Minn. Sup Crt Order Denying Review 1 pg	1,10

TABLE OF AUTHORITIES

	PAGE
United States Constitution:	
1st, 5th & 14th Amendments	2,5,6,8,9
Title 42 § 1983, U.S. Code	6,9
Federal Case Law:	
(Hickman v Taylor 329 U.S. 495)	8
(34 F.R.D. 212, 213)	8
(Malak v Associated Physicians, Inc. (1986 CA Ind.) 784 F 2d 277)	9
Rule 10.1 (b) Jurisdiction	1,10
BY REFERRENCE:	
Salminen Counterclaim	4,6,7,8,9
2/10/92 Salminen Deposition	7
3/20/92 Summary Judgment Proceeding Transcript	8
Merchants & Miners State Bank vs. Spal Enterprise, et al, file #C84-0558	2
In Re the Petition of R.F. Spearman for Dissolution of Spal Enterprise partnership, et al, file #85-0064HC	2,3

Pro se Petitioner, Michael Salminen, respectfully prays that a Writ of Certiorari, or in the alternative, other appropriate writ issue to review the Minnesota Court of Appeals Order dated November 18, and filed November 24, 1992.

OPINIONS

Minnesota Court of Appeals Unpublished Opinion entered November 24, 1992. (A)

Minnesota Supreme Court Order entered January 22, 1993. (B)

JURISDICTION

The Minnesota Supreme Court Order entered January 22, 1993 exhausts State Court remedies. The jurisdiction of the United States Supreme Court is invoked at Part III, Rule 10.1 (b), Rules Of The Supreme Court. (see page 10)

CONSTITUTIONAL PROVISION INVOLVED

First Amendment:

Congress shall make no law . . . .

. . . or abridging the freedom of speech, . . . or to petition the government for redress of grievances.

Fifth Amendment:

No person shall . . . nor be deprived of life, liberty, or property without due process of law . . .

Fourteenth Amendment, Section 1:

All persons . . . No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property without due process of law, . . .

STATEMENT OF THE CASE

The instant matter directly originates from Minnesota District Court legal actions Merchants and Miners State Bank vs. Spal Enterprise, et al file #C84-0558, and In Re the Petition of Richard F. Spearman for Dissolution

of Spal Enterprise partnership, file #85-0064HC.

Plaintiff/Respondent, Conrad M. Fredin, is an attorney at law, a former Minnesota State Bar president. Defendant, Michael Salminen, retained Fredin to bring legal malpractice suit(s) upon attorneys who, with malicious intent, conspired in a fraudulent scheme, under color of state law in Minnesota Courts operating in judicial function, to repeatedly and unlawfully deprive Salminen of United States Constitutional guaranteed rights, causing his financial destruction.

Fredin refused to make discovery or commence legal malpractice suit(s) for his client, choosing instead to join the fraudulent scheme, protecting his fellow attorneys, and working to financially destroy Salminen. Without funds, Salminen became attorney pro se, counterclaiming

Fredin, alleging legal negligence, conspiracy, fraud and inadequate settlement. The trial court judge, knowing he had a conflict of interest, refused removal. eventually granting Fredin summary judgment, dismissing Salminen's counterclaim, even though issues to be decided by a jury remained unresolved.

Bear with me while I lay foundation. The three branches of Minnesota government have duties and responsibilites, in part, as follows:

Legislative - House of Representatives has judicial responsibility to determine if members of the executive and judicial branches should be impeached.

Judicial - District, Appellate and Supreme Court Judges have the responsibility to hear constitutionality cases and to interpret the law and Constitution.

Executive - Attorney General has the

responsibility to protect public rights.

The Federal issue was first raised in the trial court and then again in the Appellate Court when Salminen repeatedly stated in his papers that he would not give up his United States and Minnesota Constitutional rights, and that he removed all implied consent from Minnesota Courts.

REASONS FOR GRANTING WRIT

Unable to get a fair hearing in Minnesota District, Appellate and Supreme Courts, Salminen filed Petitions For Impeachment And Removal with the House of Representatives, in his attempt to remove the culprits who individually and collectively thwart and obstruct his ongoing quest for justice. Person(s) suppressed the Petitions in the House, so Salminen requested the Attorney General to intervene and prosecute whoever was interferring with the performance of

duty of House members to determine for or against impeachment. The Attorney General failed to protect Salminen's right to petition his government for redress of grievances, by refusing to prosecute. One of those Petitions For Impeachment And Removal is included as an integral part of Salminen's counterclaim against Fredin, in this matter. Obviously, all three branches of Minnesota government are colluding to willfully deprive Salminen of his United States Constitutional rights under 1st, 5th and 14th Amendments at 42 USCS § 1983.

The instant matter is only one of many directly related legal actions in which, over the last decade, Salminen has routinely and repeatedly been deprived of his Constitutional rights, under color of state law, in Minnesota Courts. A list of those legal actions is included as an integral part of

Salminen's counterclaim against Fredin.

Based upon arbitrary rule, not stattutory or constitutional law, the Minnesota Court of Appeals unconstitutionally denies attorney pro se Salminen oral argument on his appeal.

At all times in this matter, attorney pro se Salminen has been both attorney and client. He paid the same fees as a licensed attorney to participate in the Minnesota legal system. Therefore, he is protected under the attorney/client privilege and work product doctrine. He invoked the doctrine at least five times during the taking of his February 10, 1992 depostion. (pgs. 25,39,40,60 and 79, trans of 2/10/92 depo) He also stated he would disclose his facts he would present to the jury at a pre-trial conference. (pg. 64, trans of 2/10/92 depo) During the taking of that deposition, pro se Salminen treated his

writings, statements, or testimony which would substantially reflect or invade his legal impressions or legal theories as to the pending litigation, as attorney work product. His legal impressions and theories include his tactics, strategy, opinions and thoughts. (34 F.R.D. 212, 213) (Hickman v. Taylor 329 U.S. 495)

The trial court Judge erred when he granted Fredin summary judgment, dismissing Salminen's counterclaim for lack of litigation issue, based upon Salminen's deposition testimony, thereby prejudicially denying Salminen from presenting his legal negligence, conspiracy, fraud and inadequate settlement issues at a pre-trial conference. (3/23/92 trans of proceed) Under color of state law, the trial court Judge wrongfully and prejudicially deprived pro se Salminen of his protected attorney work product rights. Salminen considers that deprivation of

his United States Constitutional rights under 1st, 5th and 14th Amendments at 42 USCS § 1983.

This is a clear-cut case of attorney Fredin abandoning his client, then joining his fellow white collar judicial plundering officers of the court, to scheme with willful and malicious intent to financially destroy the client, and protect his fellow attorneys.

> "Private defendant acts under color of state law for purposes of 1983 when he is willful participant in joint action with state or its agents." (Malak v Assoc. Physicians, Inc. (1986 CA Ind.) 784 F 2d 277)

Review of all files, records and proceedings in the instant matter, and in actions referrenced in Salminen's counterclaim against Fredin, and in Petitions For Impeachment And Removal at the Minnesota House of Representatives, will confirm the truth of the foregoing allegations and statements.

Petitioner is a citizen of the United States and of the State of Minnesota.

In regard this matter, a Minnesota state court of last resort decided a federal question in a way that conflicts with the decision of another state court of last resort or of a United States Court of Appeals. (Part III, Rule 10.1 (b), Rules of the Supreme Court.)

For special and important reasons presented herein, Petitioner respectfully requests allowance of Writ of Certiorari, or in the alternative, other appropriate writ to review the Minnesota Court of Appeals Unpublished Opinion entered November 24, 1992.

Dated this 14th day of April, 1993.

Respectfully submitted,

Michael A. Salminen

MICHAEL A. SALMINEN
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STATE OF MINNESOTA)
)ss
COUNTY OF ST. LOUIS)

MICHAEL A. SALMINEN, first being sworn upon an oath, states this Petition for Writ of Certiorari is made in good faith, is not frivolous, and is not interposed for the purpose of delay; and that the facts stated in the foregoing petition, so far as they come within his own knowledge, are true, and so far as derived from the knowledge of others, he believes them to be true.

Michael A. Salminen
MICHAEL A. SALMINEN

Subscribed and sworn to
before me on this 14th
day of April, 1993.

Notary Public

[illegible] RICHHOLZ
NOTARY PUBLIC-MINNESOTA
[illegible] COUNTY
MY COMMISSION EXPIRES JUNE 11, 1997

STATE OF MINNESOTA

IN COURT OF APPEALS

C3-92-1164

St. Louis County Klaphake, Judge
District Court file No. CO-91-300139

Conrad M. Fredin,

Respondent,

Gaylord W. Swelbar
Robin C. Merritt
Hanft, Fride, O'Brien, Harries, Swelbar & Burns, P.A.
1000 First Bank Pl.
Duluth, MN. 55802

vs.

Michael Salminen,

Appellant.

Pro Se
P.O. Box 353
Hibbing, MN. 55746

Filed Nov. 24, 1992
Office of Appellate Courts

Considered and decided by Klaphake, Presiding Judge, Davies, Judge, and Fleming, Judge.*

UNPUBLISHED OPINION

KLAPHAKE, Judge

Appellant Michael Salminen appeals from judgment and denial of post-trial motions in an action to recover unpaid

attorney fees, challenging numerous rulings. Respondent Conrad M. Fredin filed a notice of review of the trial court's order denying attorney fees. We affirm.

DECISION

I.

The court properly granted summary judgment on Salminen's counterclaim alleging ethical misconduct. A violation of the Rules of Professional Conduct does not give rise to a private action against an attorney. See L & H Airco, Inc. v. Rapistan Corp., 446 N.W. 2d 372, 380 (Minn. 1989). Moreover, during discovery Salminen refused to provide any facts in support of his legal malpractice allegations. On the day of trial Salminen refused to provide the facts to the trial court and then stated he was not prepared to provide the supporting facts despite having filed a

Certificate of Readiness. We conclude the lower court did not err in granting summary judgment where no action lies for ethical misconduct and where Salminen failed to establish a material fact question as to legal malpractice. See Minn. R. Civ. P. 56.03; Offerdahl v. University of Minn. Hosps. & Clinics, 426 N.W. 2d 425, 427 (Minn. 1988)

II.

Salminen contends that the trial judge should have recused himself for bias. We disagree. Salminen already removed the first judge assigned to the case. See Minn. R. Civ. P. 63.03. Moreover, Salminen provided no evidence that the substitute judge was prejudiced. See Minn. Stat. § 542.16, subd. 2 (1990); see also Durell v. Mayo Found., 429 N.W. 2d 704, 705 (Minn. App. 1988), pet. for rev. denied (Minn. Nov. 16, 1988) We conclude the trial court did not abuse

its discretion in denying Salminen's motion for removal. See Durell, 429 N.W. 2d at 705.

III.

In addition, Salminen challenges the trial court's denial of his motion to allow a claim for punitive damages. Salminen failed to present any factual basis showing that Fredin acted with deliberate disregard. Therefore, the trial court had no choice but to deny his motion to assert a punitive damages claim. See Minn. Stat. § 549.20, subd. 1(a) (1990); M.H. & J.L.H. v. Caritas Family Servs., 488 N.W. 2d 282, 290 (Minn. 1992)(to assert punitive damages claim plaintiff must establish prima facie evidence of deliberate disregard).

IV.

Salminen also contends the evidence does not support the trial court's findings of fact. The court heard testimony

from two witnesses regarding the legal work requested by Salminen, the number of hours billed, and the rate at which they were billed. Salminen was present during the testimony, but refused to participate in cross-examination. We conclude the testimony presented clearly supports the trial court's findings. See Minn. R. Civ. P. 52.01.

Moreover, in challenging the denial of his motion for new trial, Salminen has merely reiterated his dissatisfaction with the outcome of the trial, calling the procedure "unjust" and "fraudulent." Salminen's other assertions for a new trial are conclusory and are not specifically identified. See Amatuzio v. Amatuzio, 431 N.W. 2d 588, 589 (Minn. App. 1988)(motion for new trial must identify specific grounds), pet. for rev. denied (Minn. July 27, 1989). Thus the trial court did not abuse its discretion by

denying Salminen's motion for a new trial. See Jack Frost, Inc. v. Engineered Bldg. Components Co., 304 N.W. 2d 346, 352 (Minn. 1981).

V.

Fredin properly filed a notice of taxation of costs pursuant to Minn. R. Civ. P. 54.04. Salminen failed to attend either of the two scheduled hearings on the matter. The items taxed are authorized and the amounts reasonable. We therefore conclude the trial court did not abuse its discretion in its award of costs and disbursements. See Striebel v. Minnesota State High School League, 321 N.W. 2d 400, 403 (Minn. 1982) (key in determining whether an abuse of discretion has occurred is whether the costs are reasonable and necessary).

VI.

Fredin challenges the trial court's denial of attorney fees, claiming

Salminen should have been sanctioned for raising frivolous claims. The trial court awarded attorney fees with regard to Salminen's motion for a new trial, but refused to award fees for his other actions. The record supports the trial court's implicit finding of bad faith as to the motion for new trial. however, Fredin failed to establish bad faith or lack of an objectively reasonable basis as to Salminen's other motions. See Minn. Stat. § 549.21, subd. 2 (1990); Minn. R. Civ. P. 11; Uselman v. Uselman, 464 N.W. 2d 130, 140, 143 (Minn. 1990) Thus, we conclude the trial court did not abuse its discretion in limiting sanctions accordingly. See Uselman, 464 N.W. 2d at 141, 145.

Affirmed.

Signature not legible

*Retired judge of the district court, serving as judge of the Court of Appeals by appointment pursuant to Minn. Const. art. VI, § 2.

STATE OF MINNESOTA

IN SUPREME COURT

C3-92-1164

Conrad M. Fredin,

Respondent,

vs.

Michael A. Salminen,

Appellant.

ORDER

Based upon all the files, records and proceedings herein,

IT IS HEREBY ORDERED that the petition of Michael A. Salminen for further review be, and the same is, denied.

Dated: January 21, 1993

BY THE COURT

A.M. Keith

Chief Justice

Appendix B

Supreme Court, U.S.
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No. 92-1769

In the
Supreme Court of the United States
October Term, 1992

MICHAEL SALMINEN,

Petitioner,

v.

CONRAD M. FREDIN,

Respondent.

ON PETITION FOR WRIT OF CERTIORARI
TO THE COURT OF APPEALS
FOR THE STATE OF MINNESOTA

RESPONDENT'S BRIEF IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. Whether the Supreme Court should review constitutional claims which were never raised, preserved or decided in the state court.

2. Whether the trial court's issuance of summary judgment raises any federal question or constitutional issue where the basis for summary judgment was the Petitioner's failure to present a genuine issue of material fact.

3. Whether the Supreme Court should review a case which does not involve a conflict of decisions or unsettled federal law.

TABLE OF CONTENTS

	Page
QUESTIONS PRESENTED	i
TABLE OF AUTHORITIES	iii
STATUTES INVOLVED	1
STATEMENT OF THE CASE	3
ARGUMENT	6
I. Petitioner's Constitutional Claims Were Never Raised, Preserved, Or Decided In The Lower Courts.	6
II. The Lower Courts' Rulings Do Not Implicate Any Federal Questions Or Constitutional Issues. .	8
III. The Lower Courts' Application Of Law Does Not Conflict With Discussions Of Other Courts, And Does Not Present An Important Question Of Unsettled Federal Law.	9
CONCLUSION	10

TABLE OF AUTHORITIES

Page

Cases:

Cardinale v. Louisiana, 394 U.S. 437, 22 L.Ed.2d 398, 89 S.Ct. 1162 (1969) 6

Supreme Court Rules:

Supreme Court Rule 10.1 10

Supreme Court Rule 15.1 3

Minnesota Rules:

Minn. R. Civ. App. P. 134.01 7

Minn. R. Civ. P. 56.03 8

Minn. R. Civ. P. 56.05 8

STATUTES INVOLVED

1. Minn. R. Civ. P. 56.03 states:

> The motion [for summary judgment] shall be served at least 10 days before the time fixed for the hearing. The adverse party prior to the day of hearing may serve opposing affidavits. Judgment shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that either party is entitled to a judgment as a matter of law. A summary judgment, interlocutory in character, may be rendered on the issue of liability alone although there is a genuine issue as to the amount of damages.

2. Minn. R. Civ. P. 56.05 states:

> Supporting and opposing affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and show affirmatively that the affiant is competent to testify on the matters stated therein. Sworn or certified copies of all papers or parts thereof referred

to in an affidavit shall be attached thereto or served therewith. The court may permit affidavits to be supplemented or opposed by depositions or by further affidavits. When a motion for summary judgment is made and supported as provided in Rule 56, an adverse party may not rest upon the mere averments or denials of the adverse party's pleading but must present specific facts showing that there is a genuine issue for trial. If the adverse party does not so respond, summary judgment, if appropriate, shall be entered against the adverse party.

3. Minn. R. Civ. App. P. 134.01 states:

Oral argument will be allowed unless:

(a) no request for oral argument has been made by either party in the statement of the case required by Rule 133.03; or

(b) a party has failed to file a timely brief as required by Rule 128.02; or

(c) the parties have agreed to waive oral argument pursuant to Rule 134.06; or

(d) The appellate court, in the exercise of its discretion, determines that oral argument is unnecessary because:

> (1) the dispositive issue or set of issues has been authoritatively settled; or
> (2) the facts and legal arguments could be adequately presented by the briefs and record and the decisional process would not be significantly aided by oral argument.
>
> The appellate court shall notify the parties when it has been determined that a request for oral argument has been denied. A party aggrieved by the decision may, within 5 days after the receipt of the notification and pursuant to Rule 127, request the court to reconsider its decision.

STATEMENT OF THE CASE

Respondent submits this Statement of the Case pursuant to Supreme Court Rule 15.1 to correct misstatements of fact contained in Petitioner's Statement.

None of the facts stated by Petitioner in his Statement are supported by the record. Indeed, Petitioner's counterclaim was dismissed because he

refused to support his allegations with any evidence whatsoever.

This case was commenced by Respondent to recover unpaid attorney's fees from Petitioner, Respondent's former client. Petitioner counterclaimed, alleging a wide variety of ethical violations and misconduct.

The trial court dismissed the bulk of Petitioner's claims upon motion for summary judgment, holding that an alleged violation of the Rules of Professional Conduct does not give rise to a civil cause of action against an attorney. (Order, dated 12/31/91, Respondent's Appendix at page A-1). Petitioner's allegations of fraud and malpractice survived the motion, although Petitioner did not submit any evidence to support the allegations.

Thereafter, Respondent conducted discovery on Petitioner's remaining claims. Petitioner refused to answer any question, in both written and deposition discovery, disclosing the factual basis for his allegations. On the day of trial, Petitioner refused to provide any evidence to support his claims. (Opinion of Court of Appeals, Petitioner's Appendix at page A-2).

The trial court heard testimony on Respondent's claim for unpaid attorney's fees and issued Findings of Fact, Conclusions of Law, and Order for Judgment in Respondent's favor. (Order dated 4/7/92, Respondent's Appendix at page A-7). The trial court dismissed Petitioner's counterclaim for failure to produce any factual support.

ARGUMENT

I. Petitioner's Constitutional Claims Were Never Raised, Preserved, Or Decided In The Lower Courts.

Petitioner raises his constitutional claims for the first time in his Petition for Writ of Certiorari. The Petition must, therefore, be denied.

A review by this Court on a writ of certiorari is discretionary. This Court long ago "established that the court will not decide federal constitutional issues raised here for the first time on review of state court decisions." Cardinale v. Louisiana, 394 U.S. 437, 438, 22 L.Ed.2d 398, 89 S.Ct. 1162 (1969).

Petitioner argues in his Petition that the Minnesota Court of Appeals denied oral argument on his appeal, depriving him of certain constitutional rights. Petitioner failed to raise this issue in

the state court. Moreover, Petitioner did not preserve the issue for appeal.

Minnesota Civil Appellate Procedure Rule 134.01 governs the allowance of oral argument. It provides, in relevant part:

> The appellate court shall notify the parties when it has been determined that a request for oral argument has been denied. A party aggrieved by the decision may, within 5 days after the receipt of the notification and pursuant to Rule 127, request the court to reconsider its decision.

Petitioner was provided notice of the denial of oral argument. (Notice of Non-oral Conference, Respondent's Appendix at page A-10). Petitioner did not object or request the court to reconsider. Thus, the issue of the constitutionality of the denial of oral argument was not preserved by Petitioner or decided by the lower courts. The Petition for Writ of Certiorari must, therefore, be denied.

II. The Lower Courts' Rulings Do Not Implicate Any Federal Questions Or Constitutional Issues.

The trial court granted summary judgment dismissing Petitioner's counterclaim. Minnesota's Rules of Civil Procedure regarding summary judgment provide, in relevant part:

> Judgment shall be rendered forthwith if . . . there is no genuine issue as to any material fact and that either party is entitled to a judgment as a matter of law.
>
> * * *
>
> . . . an adverse party may not rest upon the mere averments or denials of the adverse party's pleading but must present specific facts showing that there is a genuine issue for trial. If the adverse party does not so respond, summary judgment, if appropriate, shall be entered against the adverse party.

Minn. R. Civ. P. 56.03 and 56.05.

Petitioner's refusal to provide any facts in support of his legal malpractice

and fraud claims left the trial court with no alternative. Summary judgment was not just appropriate, it was mandated by Petitioner's refusal to present any facts to support his claims.

The basis of the lower courts' opinions was Petitioner's failure to present a genuine issue of material fact. (Petitioner's Appendix at page A-2). No federal questions or constitutional issues are implicated by the courts' rulings. The Petition for Writ of Certiorari must, therefore, be denied.

III. **The Lower Courts' Application Of Law Does Not Conflict With Discussions Of Other Courts, And Does Not Present An Important Question Of Unsettled Federal Law.**

The Minnesota state courts upheld summary judgment in favor of Respondent, dismissing Petitioner's counterclaim. The decision resulted from Petitioner's

refusal to present any factual basis for his claims.

Petitioner has cited no cases where any state of Federal court has issued a conflicting ruling or where a litigant's refusal to present evidence did not result in dismissal.

Moreover, the trial court applied the law of Minnesota only. No issue of Federal law was raised or decided by the Minnesota courts.

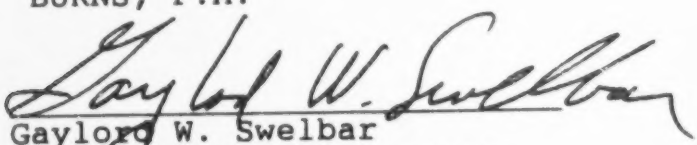
The Petition fails to present any grounds to justify the Court's issuance of a Writ of Certiorari. Supreme Court Rule 10.1. The Petition must be denied.

CONCLUSION

For the reasons expressed in this brief, Respondent respectfully requests that the Petition for Writ of Certiorari be denied.

Dated this 20th day of May, 1993.

HANFT, FRIDE, O'BRIEN,
HARRIES, SWELBAR &
BURNS, P.A.

By 

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STATE OF MINNESOTA COUNTY OF ST. LOUIS

DISTRICT COURT CIVIL DIVISION

Conrad M. Fredin,

Plaintiff, ORDER

vs. File No. C91-30139

Michael Salminen,

Defendant.

The above-entitled matter came on for hearing before the Honorable Robert F. Berger, Judge of District Court, on the 31st day of December, 1991, at the St. Louis County Courthouse, Hibbing, Minnesota. The Plaintiff appeared through his attorney, Mr. Robin Merritt, Duluth, Minnesota and the Defendant appeared pro se on the following:

Plaintiff's alternative motions for summary judgment or a stay of placing the

case on the trial calendar and the Court having heard arguments of counsel makes the following:

ORDER

1. The Defendant shall be entitled to dispute the reasonableness of the Plaintiff's claimed attorney fees.

2. The Plaintiff's Motion for Summary Judgment on the purported cause of action raised by the Defendant that a violation of a rule of professional conduct is actionable is granted.

3. The parties by stipulation in open Court have agreed that the case will not go on for trial; the Court Administrator is ordered to place the case or for jury trial at the earliest possible date not sooner than 30 days from the date of this Order.

4. In all other respects the Motion for Summary Judgment is denied.

5. Let the attached Memorandum be made a part hereof.

Dated this 31st day of December at Virginia, Minnesota.

BY THE COURT:

/s/
Robert F. Berger
Judge of District Court

MEMORANDUM

A violation of rule of professional conduct should not give rise to a cause of action nor should it create any presumption that a legal duty has been breached. The rules are designed to provide guidance to lawyers and to provide a structure for regulation of conduct through disciplinary agencies. They are not designed to be a basis for civil liability. L & H Airco, Inc. v. Rapistan Corp., 446 NW2d 372 (Minn. 1989).

A close reading of Defendant's counterclaim shows that a potential cause of action has been raised that may require jury determination. The Defendant complains of acts or omissions which may give rise to a legal malpractice claim. Depending on the type and quality of proof offered at trial the jury may be entitled

to hear those claims. Among the issues raised by defendant in his counterclaim are issues of failure to engage in discovery, wrongful withdrawal and fraud. The Court cannot rule on these issues at this time.

Although the Defendant has not artfully drafted his counterclaim, a broad reading of the counterclaim does put Plaintiff on notice of the potential for the claims being presented here and thus cannot be dismissed by the Court at this time. Defendant is cautioned, however, to understand that he will be held to the level of an attorney when appearing in Court and will be obligated to prove his counterclaim in accordance with the rules of evidence procedure and established laws.

The parties have agreed to withdraw this case from the calendar at this time and the Administrator is ordered to set it on for trial. The time limit set forth in the Order should be adequate for the discovery contemplated to be completed and this case then should be ready for trial in all respects.

R. F. B.

	Other Civil
STATE OF MINNESOTA	DISTRICT COURT
COUNTY OF ST. LOUIS	SIXTH JUDICIAL DIST

Conrad M. Fredin, Court File C91-30139

Plaintiff,

vs. FINDINGS OF FACT CONCLUSIONS OF LAW, ORDER FOR JUDGMENT,

Michael A. Salminen,

Defendant.

The above-entitled matter came on for trial before the Court on March 23, 1992, at the St. Louis County Courthouse in Hibbing, Minnesota. Plaintiff appeared personally and through his counsel, Gaylord w. Swelbar of the law firm of Hanft, Fride, O'Brien, Harries, Swelbar & Burns, P.A., 1000 First Bank Place, Duluth, Minnesota 55802. Defendant, appearing pro se, was present during the

proceedings but elected not to participate.

Based upon all of the evidence presented, the Court hereby makes the following:

FINDINGS OF FACT

1. On or about March 26, 1986, the defendant Michael A. Salminen retained the professional services of attorney Conrad M. Fredin.

2. That over the course of their attorney-client relationship, Mr. Fredin performed legal services for Mr. Salminen.

3. Despite being properly billed for said services, Mr. Salminen has failed or refused to pay Mr. Fredin, and is currently indebted to Mr. Fredin, in the amount of $6,869.53.

4. The Fee Agreement between Mr. Salminen and Mr. Fredin, and the charges

made for services rendered by Mr. Fredin, are reasonable and within the usual and customary range of fees for similar services within the area.

CONCLUSIONS OF LAW

1. Defendant Michael A. Salminen is indebted to Conrad M. Fredin in the amount of $6,869.53.

2. Mr. Fredin is entitled to judgment against Mr. Salminen in the amount of $6,869.53, plus his costs and disbursements, as allowed by statute, incurred herein.

LET JUDGMENT BE ENTERED ACCORDINGLY

Dated this 7th day of April, 1992.

BY THE COURT:

/s/
The Honorable Robert F. Berger
Judge of District Court

MINNESOTA COURT OF APPEALS
Minnesota Judicial Center
25 Constitution Avenue
St. Paul, Minnesota 55155
(612) 297-1000

ROBIN C. MERRITT
130 WEST SUPERIOR STREET
1000 FIRST BANK PLACE
DULUTH, MN 55802

NOTICE OF NONORAL CONFERENCE

CASE NO.
C3-92-001164

IN RE: Conrad M. Fredin, Respondent, vs.
Michael A. Salminen, Appellant.

This matter has been set for nonoral conference on October 12, 1992 a the Minnesota Judicial Center. Counsel and parties are NOT allowed to make oral argument or attend the conference. A decision will be issued within 90 days after the date of the conference. See Minn. Stat. section 480A.08, subd. 3(a).

Subject to substitution, the judges assigned to hear the case are:

Gary L. Crippen
Roger M Klaphake
Harriet Lansing

ANY RECUSAL REQUEST MUST BE MADE IN ACCORDANCE WITH SPECIAL RULE OF PRACTICE 11.

Dated: September 02, 1992